IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 414 OF 2006

DONALDO JACINTO FREGNANDO DE SOUZA, SANCOALE, MORMUGAO. ....Petitioner

Versus

ADDITIONAL COLLECTOR SOUTH GOA AND ANR., ...Respondents

Ms. Amira Razaq, Advocate for the petitioner.

Ms. Winnie Coutinho, GA for respondents.

Coram:- J. N. PATEL, J.

Date:- 16th November, 2006

P.C.

Learned GA states that she has already colleted the authenticated copy of the order and in compliance of the order issued by this Court, the respondent is personally present. The office note dated 15.11.2006 rather indicates that inspite of oral intimation to GA's Assistant the authenticated copy is not collected by him till date. As there has been compliance of the order of this court, this Court does not want to go into controversy, but makes it clear that in future if there is any default in respect of serving the summons once the GA accepts it by waiving service, this Court will initiate appropriate action.

Heard.

Both the respondents are personally present. The learned GA after taking instructions, submits that all the concerned records and proceedings are available and would be forthwith transmitted to the office of respondent no.2 who was supposed to decide the matter. It is submitted that the concerned records and proceedings were not available and

probably they were misplaced by the staff. The present respondents have recently taken over charge and immediately on receiving summons from this Court have responded to the grievances of the petitioner and appeared before this Court. The learned GA assures the Court that the respondent no.2 would dispose of the matter as expeditiously as possible within a period of two months from the date of copy of memo of appeal is presented.

The learned Counsel for the petitioner states that copy of the memo of appeal no.LRC/APPEAL/133/86 would be tendered in the office of respondent no.2 during this week.

This Court makes it clear that in future if this Court comes across any lapses on the part of the officers in discharging their statutory duties causing harassment to the litigants/citizens, they will have to account for it by compensating the litigants/citizens.

In view of the fact, that now the file has been traced and record of LRC/D.C./Appeal/no.133/86 and the records of Case no.13/1990/LRC/APL/AC is available further the learned GA on taking instructions from the respondent no.2 has assured this Court that respondent no.2 would attend to the matter and dispose of the same within a period of two months which is accepted as undertaking to this Court, nothing survives in the petition and it is disposed of accordingly.

J. N. PATEL, J.

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